

UNITED STATES DISTRICT COURT

for the

Western District of Texas**FILED**

May 19, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUnited States of America
v.BY: Jackson

DEPUTY

Case No. SA:22-MJ-00757

SEAN AARON SMITH*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 13, 2022 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

Felon in possession of a firearm.

Penalties: Up to 10 Years Imprisonment, \$250,000 Fine, 3 Years
Supervised Release, \$100 Mandatory Special Assessment

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Jonathan Garman

Digitally signed by Jonathan Garman
Date: 2022 05 19 09:51:45 -05'00'*Complainant's signature*

FBI SA JONATHAN GARMAN

Printed name and title

- ☐
- Sworn to before me and signed in my presence.
-
- ☒
- Sworn to telephonically and signed electronically.

Date: May 19, 2022City and state: San Antonio, Texas*Judge's signature*

ELIZABETH S. CHESTNEY, US MAGISTRATE JUDGE

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF TEXAS**

SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

v.

SEAN AARON SMITH

SA:22-MJ-00757

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR ARREST WARRANT**

I, Jonathan H. Garman, a Special Agent with the Federal Bureau of Investigation, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of criminal complaint charging Sean Aaron Smith, hereinafter referred to as Smith, with a violation of Title 18 U.S.C. § 922(g)(1).

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), duly appointed according to law and acting as such, have been assigned to the FBI since January 2019. I am currently assigned to the San Antonio Division, Joint Terrorism Task Force (JTTF), investigating domestic terrorism and other threat related matters. Since becoming a Special Agent, I have participated in several criminal and domestic terrorism investigations involving criminal matters and domestic terrorism organizations with ideologies including Racially Motivated Violent Extremism (RMVE), Anti-Government Extremists, and other threat related matters. I have conducted or participated in physical and electronic surveillance techniques including execution of arrest and search warrants. As a result of my own personal experiences, the training I have received, and the

information that I have obtained from working with other experienced law enforcement officers, I know the following:

3. This affidavit is being submitted for the limited purpose of obtaining a criminal complaint. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

4. The statements in this affidavit are based on my investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Smith committed a violation of Title 18 U.S.C. § 922(g)(1).

STATUTORY AUTHORITY

5. This investigation concerns the alleged violation of **Title 18 U.S.C. § 922(g)(1)** which prohibits a person, who knowing he has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year from possessing any firearm or ammunition that has traveled in interstate or foreign commerce.

PROBABLE CAUSE

6. The United States, including the Federal Bureau of Investigation, is conducting a criminal investigation of Smith regarding violation of Title 18 U.S.C. § 922(g)(1).

7. On May 13, 2022, the Texas Rangers along with San Antonio Fire Department investigators obtained a Federal Warrant to ping Smith's phone. After the Federal Warrant was obtained, the USSS obtained a ping from Smith's phone. The Texas

Rangers, Texas DPS, Texas DPS CID, San Antonio Arson Investigators, and SAPD ROP responded to the area near the cell phone ping. Within an hour of surveillance, Smith was observed walking and then entered a vehicle on the passenger side. A high-risk traffic stop was made, and Smith barricaded himself in the vehicle while manipulating a backpack. Once Smith exited the vehicle and was taken into custody, the backpack was sitting open on the floorboard directly in front of where Smith was seated. A brick of marijuana was next to the backpack and a handgun was on the floorboard next to the front bracket of Smith's seat. The handgun was a polymer80, Inc. PFC9; serial number CA15357, manufactured in Dayton, New York. The vehicle was towed to DPS Regional Office and was searched after a search warrant was obtained. Smith was arrested on two outstanding felony warrants, parole violations (felony possession of a firearm & burglary habitation), narcotics offense, and tampering with evidence (Smith broke his phone in half while barricaded in the car prior to exiting the vehicle). Smith was transported and booked for the outstanding warrants and the new Texas Penal Code and Health and Safety Code offenses.

8. On May 15, 2022, a State search warrant was obtained and the search conducted at Smith and his girlfriend's known address at an apartment in San Antonio; this apartment was leased by another individual (hereinafter "leasing individual") who had been allowing the defendant and his girlfriend to live in the living room for approximately one and a half months. The leasing individual stated that both Smith and his girlfriend kept all their stuff in the living area, and a locked closet near the front door that only Smith had access to. The leasing individual claimed that he kept his things in his bedroom. Multiple firearms were found inside the apartment. A Kimber 9mm pistol

was found in the leasing individual's room, and he stated the gun was his. A Sig Sauer pistol, serial number 66B430849, manufactured in Newington, New Hampshire, and an AK-47 GP/WASR-10/63, serial number 1968B11180, manufactured in Romania and imported by CAI out of Georgia, Vermont, were found in the living room where Smith and his girlfriend both stayed and slept in. The leasing individual claimed both weapons were Smith's. Drugs were also found in the living room as well, which the leasing individual said were Smith's drugs. Smith's bags inside the apartment were found to have large amounts of narcotics in them.

9. Smith has the following prior felony convictions: 2014 burglary habitation and 2018 felon in possession. Smith served 18 months, from September 25, 2014, to May 9, 2016, in the Texas Department of Criminal Justice prison for the crime of burglary habitation. Smith served almost 14 months in the Texas Department of Criminal Justice prison, September 6, 2018, to November 5, 2019, for the crime of felon in possession.

10. Based on the above information, there is probable cause to believe that Smith, knowing he was a previously convicted of a crime for which the sentence exceeded one year, knowingly possessed the following firearms: car handgun polymer80, Inc. PFC9; serial number CA15357, manufactured in the Dayton, NY, U.S.A., Sig Sauer pistol serial number 66B430849, manufactured in the State of Newington, NH, U.S.A., and an AK-47 GP/WASR-10/63, serial number 1968B11180, manufactured by CN Romarm SA/CUGIR, Made in Romania, Imported by: CAI out of Georgia, VT, US.A. All of these firearms were manufactured outside the State of Texas and therefore traveled in interstate or foreign commerce.

Respectfully submitted,

Jonathan
Garman

Digitally signed by
Jonathan Garman
Date: 2022.05.19
09:52:27 -05'00'

Jonathan H. Garman
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on May 19, 2022



ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE